IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4734 OF 2005

Varse @ Harshe Praful Savla. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri P.M.Chakurkar for the Applicant.
Ms.S.D.Shinde, A.P.P. for the Respondent.

ALONG WITH

CRIMINAL APPLICATION NO. 4735 OF 2005

Praful Nemchand Savla. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri P.M.Chakurkar for the Applicant.
Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 3rd August, 2005.

P.C.:

1. These Bail Applications are filed by the co-accused in C.R.No,.193 of 2005 registered with Powai Police Station for offences punishable under sections 465, 466, 467, 471, 406, 420 read with section 120-B and 34 of the Indian Penal Code.

2. The learned counsel appearing for the Applicants submitted that there is a gross delay in lodging the F.I.R. He submitted that the Applicants were given Police Custody remand for 14 days. He submits that considering the nature of offence, custodial interrogation of the Applicants was no longer necessary. He placed reliance on the letter dated 21st February

2003 sent by the Applicant in Criminal Application No.4735 of 2005 addressed to the Inspector of Police of Bhoiwada Police Station, Bhiwandi making allegations against the real brother of the Complainant.

3. The learned A.P.P.pointed out that the Applicants have signed cheques which were dishonoured. The Applicant and the co-accused have taken from the Complainant articles of gold weighing more than 1 kg.

4. I have considered rival submissions. Offence alleged against the Applicants is of grave nature. The allegation against the Applicant and the co-accused is regarding cheating and receiving of gold ornaments weighing more than 1 kg. The allegation of the prosecution is that the cheques issued by the Accused to the Complainant were found to be stolen and therefore, the said cheques were dishonoured. Investigation is admittedly in progress. Considering the gravity of the offence, pending completion of investigation the Applicants cannot be enlarged on bail, lest it will affect the investigation. Hence there is no merit in the Applications and the same are rejected.

Judge.